

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

JIMMIE L. SMITH,

Plaintiff,

vs.

Case No. 07-CV-374-FHM

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

OPINION AND ORDER

The Court finds Defendant's Motion to Dismiss Plaintiff's Complaint [Dkt. 22] is MOOT.

The Court previously granted the Commissioner's Motion to Remand and remanded the case pursuant to sentence six of 42 U.S.C. § 405(g). [Dkt. 14]. Subsequently, the Court granted Plaintiff's Motion for Rule 58 Judgment. [Dkt. 16]. Since the case is no longer pending, the Defendant's motion is moot.

SO ORDERED this 30th day of September, 2008.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE